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Tenant Inquilino

METROPOLITAN COUNCIL ON HOUSING
Housing for People Not Profit

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PERIODICAL

Jason Kidd or Robert Moses?

Brooklyn Residents Fight Eviction for Nets Arena Complex

By Steven Wishnia

Tenants in the Prospect Heights neighborhood of Brooklyn are trying to get developer Bruce Ratner called for charging.

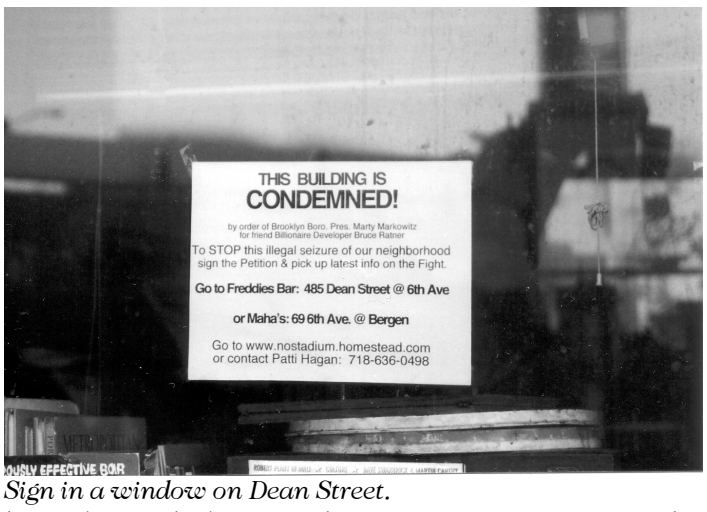
The developer wants to take over seven blocks stretching south and east from Atlantic and Flatbush avenues for "Brooklyn Atlantic Yards," a massive project that would include a new arena for the New Jersey Nets basketball team and 4,500 high-rise apartments, almost all at luxury rents. Residents in the area are crying foul, saying that Ratner is elbowing aside community concerns about scale, traffic, and displacement like a combination of Robert Moses and a renegade power forward bulling his way to the hoop.

"People will be happy to have the Nets play in Brooklyn, but not on the crushed homes of my neighbors," says Patti Hagan of the Prospect Heights Action Coalition. "If he can't build his toy, his basketball arena, without destroying peoples' homes and businesses, he's building in the wrong place."

The plan would return major-league sports to Brooklyn for the first time since the departure of the Dodgers in 1958. In contrast to the Nets' current home in the New Jersey Meadowlands, the proposed arena would be located at a major vortex of public transportation: above several subway lines and across the street from the Long Island Railroad's main Brooklyn station. The complex, which would stretch east to Vanderbilt Avenue, would also include 2.1 million square feet of office space, 300,000 square feet of commercial space, and a 620-foot tower. It would cost $2.5 billion, much of it paid by public funds through fiscal devices like "tax-increment financing."

"This is not about the Nets," says Councilmember Letitia James, who represents the area. "It's about real estate."

Along Flatbush Avenue and Dean Street in the Prospect Heights neighborhood, nearly every business has a flyer up against the plan, and several homes have banners protesting it. To build the complex, Ratner would demolish almost every existing building along Pacific Street and the north side of Dean Street, including the homes of almost 400 people and a homeless shelter with about 400 more. It would also force out numerous small businesses, including an art-canvas factory, an auto-body shop, a recording studio, and a milliner, says Hagan.



STEVEN WISHNIA

Sign in a window on Dean Street.

"People can't treat you like that. They just use you like an old newspaper," says Vera Bryant, 70, an Antiguan immigrant who lives on Pacific Street with her two grandchildren. "It's not right. This man Ratner comes in and says he's going to knock down people's houses, he's going to root them out of their homes."

"We're going to have to move, and we probably

continued on page 5

Everybody Out!

Brooklyn Landlord Evicts All Tenants After Mitchell-Lama Buyout

By Anita Karl

When the tenants of the 42-apartment building at 20 Henry Street in Brooklyn were forced by their landlord to leave the Mitchell-Lama program on June 13, 2002, they expected to receive steep rent increases. What they didn't expect was that their one-year leases would not be renewed, and that they would all get eviction notices when their building was sold to a new landlord two months later. But that is exactly what happened as they became the first Mitchell-Lama buyout to attempt to evict all its tenants.

"This is a moral and political abandonment of a whole building of tenants by our elected representatives and the legal system," says resident James Kemp, who fought the buyout for many years. "Most people don't even know that a whole community of people can be forced to move from their apartments regardless of age or income once their building becomes deregulated."

So far, tenants in 14 apartments have moved out, with 13 leaving "voluntarily" rather than fighting eviction. Most eviction proceedings against the others are on hold, pending a court decision on the tenants' appeal.

All housing completed after January 1, 1974, including Mitchell-Lama buildings that are bought out of the program, has no safeguards against landlords evicting tenants or charging as much rent as they can get. Many Mitchell-Lama buildings, such as West Village Houses and Independence Plaza North in Manhattan, are now facing similar fights in an effort to prevent what has happened to 20 Henry St. from happening to them.

The tenants at 20 Henry St. (a.k.a. Middagh Street Studio Apartments) had been trying to avoid this outcome since August 1999 when their landlord, Penson Corp., had announced that it would leave the Mitchell-Lama program and convert the building, a former candy factory, into luxury housing. The landlord also did not offer Section 8 "sticky vouchers" to cushion the blow for lower-income residents.

As tenants are evicted and the building empties out, some of the remaining residents are still fighting for the right to argue their case in court. Most tenants had been given rent-stabilized leases with riders, some as early as 1982. They are appealing a court ruling which held that those leases are invalid because they were merely a nonbinding error by the landlord. A decision is expected shortly.

The city Department of Housing Preservation and Development's Mitchell-Lama regulations state that rent stabilization follows a buyout. This would seem to bolster the tenants' case, as these regulations do not explicitly state that buildings completed after January 1, 1974 are allowed to go to market rents after a buyout. They also state that after a buyout, qualifying senior citizens should receive rent-stabilization benefits, such as SCRIE. Ordinarily, the stipulations of contracts and regulations would be valid arguments in court, but the tenants of 20 Henry St. found that badly framed laws can trump regulations and even signed contracts.

Tenants at 20 Henry St. also tried to prevent the buyout by arguing in court that the landlord had broken many essential covenants in his contract with the city. The courts held that if HPD had no problem with such covenant violations, the tenants had no legal standing to make this argument.

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Caucus, ACORN Call for HPD Accountability

By Kenny Schaeffer

On January 27, the City Council's Black, Latino, and Asian Caucus announced a package of three bills intended to increase the amount of housing created by city programs that is affordable to low-income tenants. The three bills are supported by all 18 members of the Caucus, and ACORN NY director Bertha Lewis joined co-chairs Hiram Monserrate (D-Queens) and Helen Foster (D-Bronx) in announcing them.

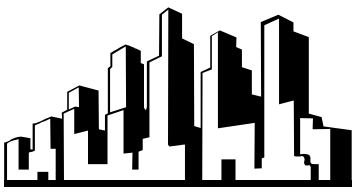
Intro 516A, introduced by Monserrate with 33 cosponsors, would redefine the income levels used to calculate who housing is built for with the city's scarce funds. The Bloomberg administration's recently announced development plan defines "low income" as 80 percent of metropolitan area median income (generally called AMI). As affluent suburbs in Westchester County and Connecticut are included in the figures used to set this level, 80 percent of AMI is about $50,000. If affordable rent is calculated at 30 percent of income, this means that the Bloomberg administration considers $1,250 a month rent "affordable" to "low-income" households.

Intro 516A would require city-subsidized housing to be 25 percent affordable to people making either the neighborhood median income (NMI) or the city median income (CMI, currently $38,870), whichever is less. (That would peg rent at about $970, less in many neighborhoods.) Half would have to be affordable for people making twice the NMI or CMI, and 25 percent to households with no more than three times NMI/CMI.

Intro 518, introduced by Councilmember Bill Perkins (D-Manhattan) with 32 cosponsors, ends the current method of disposing of city-owned residential buildings, which has resulted in tens of thousands of units being scandalously squandered since the Koch administration. As ACORN housing director Ismene Speliotis pointed out, hundreds of properties sold at public auction in the last seven to 10 years either remain unutilized or are being developed for market-rate housing. The bill would order the Department of Citywide Administrative Services to develop properties primarily as affordable housing. It would also require the city to declare developers who have not complied with agreed conditions in breach, and seize the property back to develop as affordable housing.

Intro 519, introduced by Councilmember James Sanders (D-Queens) with 31 cosponsors, would require the Department of Housing Preservation and Development to report to the Council every 90 days on the number of units actually being provided by each city housing plan for each income level, ranging from high to extreme low.

Council Speaker Gifford Miller has not yet endorsed any of the three bills, but has agreed to allow hearings. Given the Caucus' unanimity and the fact that each bill has been endorsed by almost two-thirds of the Council, there are positive signs that the speaker will have no choice but to put his name on legislation.



State Attorney General Calls for Security-Deposit Changes

State Attorney General Eliot Spitzer has called for legislation that would guarantee that tenants receive more of the interest paid on their security deposits. The bill, A7884, would amend the state's general obligations law. It would limit the amount landlords could deduct for "administrative expenses" and the like to 20% of the interest paid, up to a maximum of 1 percent of the amount on deposit.

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EDITOR
Steven Wishnia

PRODUCTION/DESIGN
John M. Miller

STAFF
Florence Daniels, Don Gilliland, Esther Joselson, Vajra Kilgour, Rosel Lehman, Maria Maher, Anne Moy, John Mueller, Joyce Rodewald, Anita Romm, Mel and Shirley Small, Ann Towle, Leah Wolin

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EL INQUILINO HISPANO

¡Fuera todos!

Casero en Brooklyn desaloja a todos sus inquilinos después de comprar su salida del programa Mitchell-Lama

Por Anita Karl

Traducido por Lightning Translations

Cuando los inquilinos de un edificio de 42 apartamentos en el 20 de la calle Henry en Brooklyn se vieron forzados a salir del programa Mitchell-Lama el 13 de junio de 2002, suponían que iban a recibir aumentos excesivos de renta. Lo que no imaginaban fue que no se renovarían sus contratos de un año y que todos recibirían avisos de desalojo luego que se vendiera el edificio a un nuevo casero dos meses después. Sin embargo, esto es precisamente lo que les pasó al volverse su edificio la primera instancia de un intento de desalojar a todos los inquilinos después de comprar la salida del programa Mitchell-Lama.

"Este es el abandono moral y político en que nuestros representantes elegidos y el sistema legal han dejado a los inquilinos de todo un edificio," dijo el residente James Kemp, quien luchó en contra de la compra de la salida del programa durante muchos años. "La mayoría de la gente ni siquiera sabe que pueden forzar a dejar sus apartamentos a una comunidad entera de personas, no importa su edad o nivel de ingresos, luego que el edificio se vuelva desregulado."

Hasta ahora, se han mudado inquilinos en 14 apartamentos, con 13 saliendo "por su propia voluntad" en vez de oponerse al desalojo. La mayoría de los trámites de desalojo en curso se han detenido, pendiente de un fallo de la corte sobre la apelación de los inquilinos.

No hay ningún resguardo contra el desalojo de inquilinos por caseros o el cobro de la mayor renta que estos puedan conseguir en ninguna vivienda que se haya terminado de construir después del 1 de enero de 1974, incluyendo los edificios Mitchell-Lama cuya salida del programa haya sido comprada. Muchos edificios Mitchell-Lama, como West Village Houses y Independence Plaza North en Manhattan, están enfrentando ahora luchas similares, al tratar de prevenir que les pase a ellos lo que ha pasado en el 20 de la calle Henry.

Los inquilinos del 20 de la calle

pasa a la página 4

Los Ajustes de la "Junta de Regulación de Renta" de la Ciudad de Nueva York (Orden No. 35)

Para los contratos de apartamentos de Renta Estabilizada que comienzan el 1ro. de octubre de 2003 hasta el 30 de septiembre de 2004, incluyendo las concesiones de Pataki adoptadas por la Legislatura Estatal el 19 de junio de 1997

Los topes de renta que aparecen en el cuadro son los incrementos máximos que los dueños de edificios pueden cobrar legalmente por los apartamentos de renta estabilizada en la ciudad de Nueva York. Son válidos para todos los contratos que comienzan dentro del período de doce meses a partir del 1ro. de octubre de 2003. Los incrementos de alquiler basados en las pautas para la renovación del contrato de 1 o 2 años pueden cobrarse solamente una vez durante el período cubierto por dichas pautas, y deben ser aplicados a la renta legal estabilizada para el 30 de septiembre de 2003. Las cantidades que aparecen en el cuadro y los incrementos para los apartamentos vacíos no se aplican a los apartamentos que estaban sujetos a renta controlada en aquella fecha. No se permite el recargo también conocido como el «impuesto de pobres.»

Los Contratos para Apartamentos Vacíos o Nuevos En junio de 1997, el gobernador George Pataki, al intentar destruir la regulación de rentas, forzó cambios que les dieron a los caseros un recargo muy grande por los apartamentos vacíos. Una cláusula de la "Reforma al Acta de Regulación de Renta" de 1997 permite que los nuevos alquileres sean incrementados en un porcentaje obligatorio: 20% para un contrato de dos años, y por un contrato de 1 año, 20% de incremento menos la diferencia en el tope de renovación para los contratos de 1 y 2 años. La ley permite también incrementos adicionales para los apartamentos vacíos donde no se habían cobrado incrementos por desocupación por ocho años o más.

Exceso de Cobro Los inquilinos deben estar al tanto de que muchos caseros van a aprovecharse de la complejidad de estas regulaciones y subvenciones, así como del poco conocimiento de los inquilinos del historial de renta de sus apartamentos, para cobrar un alquiler ilegal. Una vez que el inquilino haya tomado posesión del apartamento, puede escoger entre llenar un formulario de queja de exceso de cobro de renta con la oficina de la División de Vivienda y Renovación Comunal (DHCR), o disputar la cantidad de la renta en la corte de vivienda de la ciudad para que se determine cuál es el alquiler legal.

Si un posible inquilino da muestras de conocer sus derechos, lo más probable es que el casero no firmará ningún contrato con tal inquilino. Los caseros evitan contratar con inquilinos que les pueden dar problemas. El exceso de cobro de alquiler es muy común. Todos los inquilinos deben luchar contra posibles excesos de cobro. Obtenga y llene un formulario *Form RA-89* con la oficina de DHCR para determinar el alquiler correcto en los archivos oficiales. Llame a la DHCR a (718) 739-6400 para obtener un formulario, o búsquelo en el sitio www.dhcr.state.ny.us.

La Apelación de la Renta de Mercado Justa Otro tipo de exceso de cobro sucede frecuentemente cuando se vacía un apartamento que previamente estaba sujeto a renta controlada y se alquila con renta estabilizada. La Junta de Regulación de Renta (RGB) establece anualmente lo que ellos llaman el "Tope Especial de la Renta de Mercado Justa," el cual es empleado por la DHCR para bajar las rentas de mercado injustas de los inquilinos que llenan el formulario llamado "Apelación a la Renta Justa de Mercado" (FMRA). Según la Orden 35, es la Renta de Mercado Justa de HUD o un 50% sobre la renta base máxima. Ningún inquilino de un apartamento de renta estabilizada que fue descontrolado el 1ro de abril de 1984 o después debe dejar de poner a prueba la llamada "Renta Legal Inicial Regulada" (renta de mercado) que los caseros cobran cuando hay descontrol del apartamento. Use el formulario de DHCR *Form RA-89*. Indique claramente que su queja es tanto una queja de "Apelación a la Renta Justa de Mercado" como de "exceso de cobro." La corte de vivienda no puede tomar decisión sobre una Apelación de Renta de Mercado. Apartamentos vacíos que antes estaban controlados en edificios que se han convertido en cooperativas o condominios no se vuelven estabilizados y no satisfacen los requisitos para la Apelación de la Renta Justa de Mercado.

Exención de Incrementos para las Personas de Mayor Edad: Las personas de 62 años o más que viven en apartamentos estabilizados y cuyos ingresos familiares anuales son de $24,000 o menos, y que pagan (o enfrentan un incremento de alquiler que los forzaría a pagar) una renta de un tercio o más de sus ingresos, pueden tener derecho al programa de Exención de Incrementos para las Personas de Mayor Edad (SCRIE, por sus siglas en inglés), si aplican al Departamento de la Ciudad de Nueva York Sobre las Personas de Mayor Edad, cuya dirección es: SCRIE Unit, 2 Lafayette Street, NY, NY 10007. Si el alquiler actual de un inquilino que tiene derecho a este programa sobrepasa un tercio del ingreso, no se lo puede reducir, pero es posible evitar incrementos de alquiler en el futuro. Obtenga el formulario de SCRIE por llamar al (212) 442-1000.

Unidades de Desván (Lofts) Los incrementos legales sobre la renta base para las unidades de desván son de un 4 por ciento por un contrato de un año y un 7 por ciento por un contrato de dos años. No se permiten incrementos para las unidades de desván vacías.

Hoteles y Apartamentos de una Sola Habitación La pauta es un 3.5% para hoteles de clase A, casas de huéspedes, hoteles de clase B (de 30 habitaciones o más), hoteles de habitaciones solas (SROs) y casas de habitaciones (clase B, de 6 a 29 cuartos), por encima de la renta legal que se pagó el 30 de septiembre de 2003. No se permite ningún incremento de vacancia. No se puede cobrar el incremento estipulado por la pauta a menos que un 75% o más de las unidades en el edificio sean ocupados por inquilinos permanentes de renta estabilizada o controlada pagando las rentas reguladas legales. Además, no se permite ningún aumento cuando el dueño deje de dar al nuevo inquilino de aquella unidad una copia de los Derechos y Obligaciones de los Dueños e Inquilinos de Hoteles, según la Sección 2522.5 del Código de Estabilización de Rentas.

La Desregulación de Rentas Altas y Altos Ingresos (1) Los apartamentos que legalmente se alquilan por $2,000 o más por mes y que se desocuparon entre el 7 de julio de 1993 y el 1ro. de octubre de 1993, o en o desde del 1ro de abril de 1994 son sujetos a la desregulación. (2) La misma desregulación se les aplica, para el mismo período establecido en (1), a los apartamentos que legalmente pagan $2,000 o más mensualmente aunque no se desocupen, si el ingreso total de la familia es más de $175,000 en los dos años consecutivos previos. Para cumplir los requisitos de esta segunda forma de desregulación, el casero tiene que enviarle un formulario de certificación de ingreso al inquilino entre el 1ro de enero y el 1ro de mayo, así como someter dicho formulario al DHCR y conseguir su aprobación.

Para pautas previas, llame a la RGB al 212-385-2934 o busque el sitio www.housingnyc.com.

Tipo de Contrato	Renta Legal Actual		Contrato de 1 Año	Contrato de 2 Años
Renovación del Contrato	Todas		4.5%	7.5%
Contratos para Apartamentos Vacíos	Más de $500	Incrementos por desocupacíon cobrados en los últimos 8 años	17%	20%
		Incrementos por desocupacíon no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, más el 17%	0.6% por el número de años desde el último incremento por estar vacío, más el 20%
	Menos de $300	Incrementos por desocupacíon cobrados en los últimos 8 años	17% + $100	20% + $100
		Incrementos por desocupacíon no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, + 17% + $100	0.6% por el número de años desde el último incremento por estar vacío, + 20% + $100
	Renta de $300 a $500	Incrementos por desocupacíon cobrados en los últimos 8 años	17% o $100, lo que sea mayor	20% o $100, lo que sea mayor
		Incrementos por desocupacíon no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, mas 17%, o $100, lo que sea mayor	0.6% por el número de años desde el último incremento por estar vacío, mas 20%, o $100, lo que sea mayor

¡Fuera!

viene de la página 3

Henry (también conocido como Apartamentos Estudios de la Calle Middagh [Middagh Street Studio Apartments]) habían tratado de evitar este resultado desde agosto de 1999, cuando su casero, Penson Corp., había declarado que saldría del programa Mitchell-Lama y convertiría el edificio, una antigua fábrica de dulces, en viviendas de lujo. El casero tampoco ofreció "vales adherentes" de Sección 8 para amortiguar el golpe a los residentes de bajos ingresos.

Mientras se desaloja a los inquilinos y se vacía el edificio, algunos de los inquilinos que quedan aún están luchando por el derecho de discutir su caso en los tribunales. La mayoría de los inquilinos habían recibido contratos de renta estabilizada con cláusulas adicionales, algunos desde 1982. Ellos están apelando una decisión de la corte que falló que los contratos no son válidos porque no son nada más que un error por parte del casero que no implica ninguna obligación. Se espera una decisión dentro de poco tiempo.

Las normas Mitchell-Lama del Departamento de Preservación y Desarrollo de la ciudad (HPD) dicen que la estabilización de renta sigue la compra de salida del programa. Esto parece apoyar el caso de los inquilinos, porque las normas no dicen expresamente que los edificios que se terminaron de construir después del 1 de enero de 1974 están permitidos a cobrar rentas del mercado después de la compra de salida. Las normas dicen también que después de la compra de salida, las personas mayores que llenen los requisitos deben recibir los beneficios de renta estabilizada, así como la exención de aumento de renta para adultos mayores (SCRIE). Por lo común, las estipulaciones de contratos y normas serían argumentos válidos en los tribunales, pero los inquilinos del 20 de la calle Henry descubrieron que las leyes mal elaboradas ganan a las normas y hasta a los contratos firmados.

Los inquilinos del 20 de la calle Henry también trataron de detener la compra de salida por argumentar en la corte que el casero no había cumplido muchos convenios importantes en su contrato con la ciudad. Los tribunales fallaron que los inquilinos no tenían legitimación procesal para hacer este argumento si HPD no tenía ningún problema con tales violaciones de los convenios.

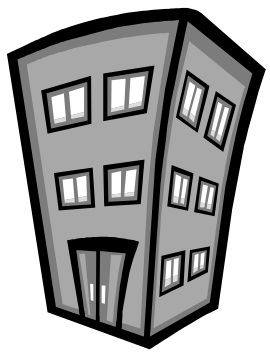
La comisaria asistente de HPD Julie Walpert testificó en audiencias del Concejo Municipal en 2000 y 2003 que un especulador Mitchell-Lama puede haber violado muchos, si no todos, los aspectos de su contrato con la ciudad y aun así comprar su salida del programa, con sólo pagar lo que debe a la ciudad. Nunca se han materializado las promesas que ella hizo en esas audiencias del Concejo, específicamente que se otorgaría a las personas mayores y los residentes de bajos ingresos las protecciones que tienen los inquilinos de renta estabilizada. El nuevo casero del 20 de la calle Henry, Charles Herzka de Henry Street Associates LLC, está desalojando a personas con más de sesenta o setenta años de edad. Este planteamiento de no intervenir ha sido la política del HPD tanto en el gobierno de Bloomberg como en el de Giuliani. Pero la ayuda esperada por los inquilinos tampoco ha llegado de los representantes y funcionarios elegidos demócratas. Por supuesto, los políticos han soltado palabras alentadoras, pero han evitado escrupulosamente poner por escrito cualquier cosa que pueda ser realmente útil. Parece que los políticos demócratas resultan estar tan obligados a los mayores especuladores como sus colegas republicanos en Albany—como muestra su apoyo al estadio del especulador Bruce Ratner en el otro extremo del centro de Brooklyn.

Los Apartamentos Estudios de la Calle Middagh fueron concebidos originalmente por el arquitecto Lee Pomeroy como estudios tanto de vivienda como de trabajo, donde los artistas podrían adaptar el espacio de tamaño moderado a la medida de sus necesidades. Este proyecto se volvió la primera vivienda para artistas en Brooklyn patrocinada por el gobierno, bajo el Plan de Renovación Urbano Cadman Plaza (Cadman Plaza Urban Renewal Plan), en 1975. Sin embargo, por 24 años, desde 1977 hasta 2001, nunca se dio prioridad a los artistas, en violación al contrato de Penson con la ciudad. Los planes del arquitecto, que muestran los permisos concedidos por la ciudad para apartarse de las normas generales de planificación, para que los estudios de vivienda y trabajo pudieran crearse en un edificio de fábrica no residencial, han desaparecido de los archivos de la Junta de Estándares y Apelaciones (Board of Standards and Appeals). Estos dibujos perdidos hubieran podido ayudar a los inquilinos a detener la transformación del edificio en viviendas de lujo.

La única pequeña victoria de los inquilinos ocurrió el 1 de enero de 2001, cuando se les dio a artistas prioridad en la lista de espera para apartamentos. HPD reconoció que los apartamentos ilegalmente mantenidos fuera del mercado por el casero debían ser otorgados a artistas que llenaran los requisitos. Empero, tres de los seis artistas que se mudaron al edificio desde entonces ya han sido desalojados.

Otro grupo de cerca de 12 inquilinos está tratando de negociar un arreglo con el nuevo casero para al menos cubrir los gastos de mudanza ($5,500 o más, depende de cuántos meses del contrato renuncian). Para recibir este dinero, al firmar el documento los inquilinos tienen que renunciar a todos sus derechos al apartamento. También pierden todos sus derechos legales de demandar al casero en las cortes; además, serán puestos en estado de desalojo por cualquier acto ilícito por pequeño que sea, como es pagar la renta con un día de retraso, lo cual podría romper el acuerdo sin que los derechos ya perdidos se restauraran. Con tanta falta de apartamentos regulados en el mercado de vivienda, los inquilinos tienen inquietudes sobre si deben ceder todos sus derechos legales por las esperanzas de recibir un poquito de dinero para mudarse.

"El asunto más importante para nuestro edificio y los otros en el programa Mitchell-Lama es que fuimos abandonados a los chacales por arreglos que se hicieron 30 años atrás entre los legisladores de Albany y los intereses de bienes raíces," dice Kemp, quien señala que la ley Mitchell-Lama original no permitía la compra de salida por los caseros. "Desafortunadamente, los inquilinos de los arrendamientos Mitchell-Lama ni sospecharon que estaban viviendo dentro de una bomba de tiempo activa."



No se quede helado: ¡ORGANIZESE!

La ley requiere que su casero proporciona calefacción y agua caliente a las temperaturas siguientes, desde el 1ro de octubre hasta el 31 de mayo:

Desde las 6 a.m. hasta las 10 p.m.: Si la temperatura afuera es de menos de 55 grados, la temperatura adentro debe ser al menos de 68 grados en todo el apartamento.

Desde las 10 p.m. hasta las 6 a.m.: Si la temperatura afuera es de menos de 40 grados, la temperatura adentro debe ser al menos de 55 grados en todo el apartamento.

Se tiene que proporcionar agua caliente a un mínimo de 120 grados en el grifo las 24 horas del día, todo el año.

Si su casero no mantiene estas temperaturas mínimas, usted debe:

- Comenzar una "Acción HP" (HP Action) en la Corte de Vivienda. Pida una inspección por orden de la corte y una Orden de Corrección (Order to Correct)
- Llamar al Buro Central de Quejas (Central Control Bureau) de la ciudad de Nueva York al 311 inmediatamente, para documentar la violación del casero. Llame repetidamente. Se supone que un inspector vendrá eventualmente, aunque a veces no lo haga.
- Exhortar a los otros inquilinos en el edificio a llamar al Central Complaint. Todos deben llamar repetidamente, al menos una vez al día, todos los días en que tengan problemas con la calefacción.
- Comprar un buen termómetro para afuera y adentro, para documentar las fechas exactas, las horas, y las temperaturas, tanto afuera como adentro, mientras tenga problemas con la calefacción. Esta documentación es su evidencia
- Llamar a la División de Vivienda y Renovación Comunal del Estado de Nueva York (DHCR, por sus siglas en ingles) al (718) 739-6400, y pedir que le envíen el formulario de Queja de Calefacción y Agua Caliente. Llene el formulario y consigue la participación de todos los inquilinos en su edificio que pueden firmarlo. Reclame una orden para restaurar la calefacción y el agua caliente, y que se reduzcan y congelen (¡disculpe lo de "congelen"!) todas las rentas.
- Necesitarán una fuerte asociación de inquilinos para obligar al casero a proporcionar calefacción y agua caliente. Escriban y llamen al casero para demandar reparaciones y aceite. Prepárense para una huelga de renta (sobre todo con asesoría legal)—de relámpago si es necesario.

Las leyes sobre la calefacción establecen también:

- Que el Departamento de Reparaciones de Emergencia de la ciudad le proporcione la calefacción si el casero no lo hace. (No se siente en un bloque de hielo—otra vez, ¡disculpe!—mientras espere que lo haga.)
- Una multa de $250 al casero por cada día que se produzca la violación. (Pero la verdad es que la Corte de Vivienda raras veces impone las multas, y menos aun las cobra).
- Una multa de $1,000 al casero si algún aparato de control automático se instala en la caldera para mantener la temperatura por debajo del mínimo legal.
- Si el tanque de combustible de la caldera está vacío, los inquilinos tienen el derecho de comprar su propio combustible después de haber pasado 24 horas sin calefacción y también sin obtener ninguna respuesta del casero. Esto no se aplica si la caldera está rota y necesita tanto reparación como combustible.

¡Cuidado! ¡proteja su dinero! Si los inquilinos deciden comprar el combustible, hay que seguir los procedimientos legales cuidadosamente. Consiga la ayuda y el consejo de un organizador de inquilinos. La existencia de leyes de calefacción y agua caliente vigentes no garantiza que el gobierno las implemente. No se quede helado por esperar que la ciudad o el estado actúe. ¡Organízese!

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Brooklyn

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don't have any legal claim to compensation," says Bill O'Brien, a rent-stabilized tenant on Dean Street. "There are people in my building who have been here for 30 years."

"I'm on disability. I can't afford another rent," says another Dean Street resident, who pays $575 for a rent-stabilized studio apartment. "I get very upset that I don't count, that the people here don't count, that they say we're being unreasonable because we don't want to lose our homes."

Secondary displacement is another fear. Prospect Heights has improved significantly in the last 20 years—an adjacent block of Pacific Street was once a stroll for some of the city's poorest street prostitutes—but still has a neighborhood feel, a multiracial mix, and relatively affordable rents. But with 3,600 luxury apartments looming up across the street, even the people whose buildings weren't demolished might soon find themselves priced out by accelerating gentrification. "It will dramatically change the income makeup," says James. "It will destroy the character of the community."

As much as $1 billion of the project's cost may come from the public. The city will probably have to spend at least $150 million on moving the Long Island Railroad tracks and other infrastructure work. Any compensation for people forced out will also probably come from the city or state. And an estimated $435 million of the arena's construction costs will be covered by "tax-increment financing." This is a scheme, also planned for the proposed Jets football stadium in Manhattan's Chelsea-Clinton neighborhood, in which the government essentially says that as they wouldn't be collecting any taxes if nothing was built on the site, the developer can use what they would have normally paid in taxes to cover their construction costs. This enables the developer to build the project without putting up their own money, while politicians claim that "it didn't cost the taxpayers a dime."

That financing is a focus of much of the objections to the arena plan. In times when the city is closing firehouses, raising the subway fare, cutting funds for schools and libraries, and suffering a colossal affordable-housing crisis, people question why taxpayers' money should be used to pay for building a for-profit sports arena and several thousand luxury apartments.

Another issue is the project's scale. The 620-foot tower would overshadow the Williamsburgh Bank building, the defining landmark of downtown Brooklyn for decades. "It would dwarf the neighborhood," says James. Opponents say they don't object to development on the site, but they want to see small businesses instead of chain stores, and affordable, low-rise housing "that looks like Brooklyn," says Hagan.

The Atlantic Yards project is one of several major developments either planned or under construction in the downtown Brooklyn area, including 6.8 million square feet of office space and Atlantic Terminal, a Ratner-built shopping mall and office complex going up over the Long Island Railroad station (with almost half its cost covered by $114 million in 9/11 reconstruction "Liberty Bonds"). "You can't think about all these projects in isolation," says James. "It's going to choke downtown Brooklyn."

As the project has the support of many key political officials, including Mayor Bloomberg, Governor Pataki, and Borough President Marty Markowitz, opponents are up against the full politician/developer nexus. Even one longtime pro-tenant Councilmember has said she won't oppose the project, and criticized James for not suggesting possible compromises. However, says James, the Council is unlikely to play much of a role, as the land involved is state-owned or private. The Knicks may also try to stop their rivals from moving to the city.

Neighborhood residents have not had much communication with either Ratner or the Bloomberg administration about the plan. "Me and the community have been kept in the dark," says James. "We have not been able to get a scrap of information out of Ratner or the city," complains Hagan. (Forest City Ratner's public-relations office did not return phone calls from *Tenant*.)

The most likely legal challenge to the project will be on the issue of eminent domain. The government is allowed to take over privately owned land for "public use," but Atlantic Yards opponents contend that should not include private developments. "It's subsidizing charitable contributions to a billionaire," charges Hagan. "It's a flagrant abuse of the eminent-domain power."

Opponents of the arena suggest that it should be built in a part of the city that has more vacant land and thus wouldn't displace people, such as the former Navy Yard, Long Island City, Coney Island, Red Hook, or East New York. Another common idea is building it on the site of the Atlantic Center Mall, an early-'90s Ratner development on the north side of Atlantic Avenue that has had a hard time retaining anchor tenants.

Several hundred people have already turned out for meetings. A Community Board 2 meeting Jan. 28 to vote on the downtown Brooklyn plan was cancelled—ostensibly because of the previous night's snow, but one Prospect Heights Action Coalition e-mail suspected it was "an unwillingness to face the residents who planned to show up tonight and bear silent witness against the Downtown Brooklyn Development Plan and its eminent domain abuse."

Asked about future protests, Patti Hagan says, "We're going to show up where we're not expected."

STEVEN WISHNIA

The proposed high-rise would overshadow the landmark Williamsburgh Bank Building.

Save the Dates

Friday, April 30 Annual meeting of City Wide Task Force on Housing Court at Fordham University School of Law. Tentative program: Panel discussion on "homelessness prevention" with speakers to address each of five policy plank areas (including rent & eviction protections) and another panel looking at the 30th anniversary of Housing Court—some history with strict scrutiny of the last five years.

Thursday, May 13 (tentative) Overnight vigil at City Hall Park: "Building the Blessed City Together: Ending Chronic Homelessness and Establishing a Sound Housing Policy in NYC." 9 p.m. Thursday 5/13 until 7 am Friday 5/14; organizers have permission to "build" an affordable house in City Hall Park with four walls: Employment & Income Support; Permanent Housing Production; Emergency and Support Services; and Homelessness Prevention, including eviction prevention and maintenance of existing affordable housing.

Don't Freeze—Organize!

The law requires your landlord provide heat and hot water at the following levels from October 1 through May 31:

From 6 am to 10 pm: If the outside temperature falls below 55 degrees, the inside temperature must be at least 68 degrees everywhere in your apartment.

From 10 pm to 6 am: If the outside temperature falls below 40 degrees, the inside temperature must be at least 55 degrees everywhere in your apartment.

Hot water at a minimum 120 degrees at the tap must be provided 24 hours a day, year round.

If your landlord does not maintain those minimum temperatures, you should:

- Start an "HP action" in Housing Court. Ask for a court-ordered inspection and an Order to Correct.
- Call the New York City Central Complaints Bureau at 311 immediately to record the landlord's violation. Call repeatedly. An inspector should eventually come, although sometimes they don't.
- Get other tenants in your building to call Central Complaint. Everybody should call repeatedly, at least once every day the condition is not corrected.
- Buy a good indoor/outdoor thermometer and keep a chart of the exact dates, times, and temperature readings, inside and out, so long as the condition is not corrected. The chart is your evidence.
- Call the New York State Division of Housing and Community Renewal at (718) 739-6400 and ask them to send you their Heat and Hot Water complaint form. Get as many other apartments as possible in your building to sign on, demanding an order restoring heat and hot water, and a reduction and freeze (pardon the expression!) in all the rents.

You'll need a strong tenant association to force the landlord to provide heat and hot water. Write and call the landlord and demand repairs or fuel.

Prepare to go on rent strike — but get legal advice first.

The heat laws also provide for:

- The city's Emergency Repair Department to supply your heat if the landlord does not. (Try waiting for this one!)
- A $250 a day fine to the landlord for every day of violation. (But the Housing Court rarely imposes these fines, let alone collects them.)
- A $1,000 fine to the landlord if an automatic control device is put on the boiler to keep the temperature below the lawful minimum.

If your boiler's fuel tank is empty, tenants have the right to buy their own fuel after 24 hours of no heat and no response from the landlord. But this provision does not apply if the boiler is broken and needs both repairs and fuel.

Caution! Protect your money! If you decide to buy fuel, you must follow special lawful procedures very carefully. You should get help and advice from a tenant organizer.

Because the heat and hot water laws are in the law books does not mean they are enforced by government. Don't freeze to death waiting for the city or state to act. Organize!

Community Board Urges Columbia to Leave Housing Alone

By Tom Kappner

After two years of pressure from tenant groups in the Morningside Heights neighborhood, Community Board 9 passed a resolution in January calling upon educational, health, and other not-for-profit institutions to stop converting rent-regulated housing in the area, and to make affordable housing available to the general public an integral component of any future development.

Though it is not legally binding, the resolution has far-ranging implications for the area, where Columbia University has purchased most of the residential buildings. The university owns more than 150 buildings in Morningside Heights alone, controlling more than 6,000 apartments, and has multibillion-dollar plans to expand into West Harlem and the Upper West Side.

Tenants in the neighborhood have a long history of organizing to resist Columbia's expansion. In 1980 they banded together into the Morningside Tenants Federation, which spearheaded the formation of a city-wide Coalition of Tenants of Nonprofit Institutional Landlords. In 1983, that coalition got the state to enact a law extending the protections of rent regulation to tenants whose buildings are purchased by institutional landlords. Thousands of tenants were thus "grandfathered in" to rent stabilization, and could no longer be evicted or have their rents raised arbitrarily.

The problem was that Columbia could still exercise vacancy decontrol, converting vacated apartments into dormitory units. That policy continually and systematically eroded affordable housing in the area, foreshadowing the effects of the $2,000 vacancy-decontrol loophole in the rent-stabilization law. Of the 6,000 apartments owned by the university in Morningside Heights, less than 750 remain rent-regulated. Columbia threatens to turn what remains of a vibrant neighborhood, one composed of long-term residents from a rich variety of socioeconomic and ethnic backgrounds, into a company town and an exclusive academic ghetto.

Two years ago, the Coalition to Preserve Community came into being, bringing together all the major groups—the Morningside Tenants Federation, the Columbia Tenants Union, the West Harlem Coalition, and the Harlem Tenants Council—and individuals with histories of community activism. The Community Board 9 resolution was the result of persistent lobbying by CPC members, and represents a major victory made possible by concerted community effort in the face of powerful obstacles.

Tom Kappner is a member of Columbia Tenants on the Move and the 121st-122nd Streets Block Association.

$5.15 Is Not Enough!

Met Council's board has voted to endorse the Working Families Party campaign to raise New York State's minimum wage from $5.15 to $7 an hour. The increases, which would be given in a series of increments, would immediately benefit 500,000 New York City workers, mostly women and immigrants.

The minimum wage has steadily declined over the past 30 years when compared to inflation. A study released by the Fiscal Policy Institute found that the percentage of workers in the state who earn less than $7 an hour in constant current dollars has tripled since 1979, from 3.6 percent to 11.7 percent.

NYC Rent Guidelines Board Adjustments (Order No. 35)

for Rent Stabilized Leases commencing Oct. 1, 2003 through Sept. 30, 2004, including the Pataki vacancy bonuses adopted by the State Legislature on June 19, 1997

Lease Type	Current Legal Rent		One-year Lease	Two-year Lease
Renewal Leases	All		4.5%	7.5%
Vacancy leases	More than $500	Vacancy allowance charged within last 8 years	17%	20%
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 17%	0.6% times number of years since last vacancy allowance, plus 20%
	Less than $300	Vacancy allowance charged within last 8 years	17% plus $100	20% plus $100
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allow–ance, plus 17% plus $100	0.6% times number of years since last vacancy allow–ance, plus 20% plus $100
	Rent $300 to $500	Vacancy allowance charged within last 8 years	17% *or* $100, whichever is greater	20% *or* $100, whichever is greater
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 17%, *or* $100, whichever is greater	0.6% times number of years since last vacancy allowance, plus 20%, *or* $100, whichever is greater

This rent guidelines table shows the maximum increases landlords in New York City can legally charge for rent stabilized apartments on all leases commencing in the twelve-month period beginning October 1, 2003. Increases in rent based on the 1- or 2-year renewal guidelines can be charged only once during the period covered by the guidelines, and must be applied to the legal stabilized rent on September 30, 2003. The above guidelines and vacancy bonuses do not apply to an apartment which was rent controlled on that date. There is no low rent supplement, a.k.a. poor tax, allowed.

Sublease Allowance

Landlords can charge a 10 percent increase during the term of a sublease that commences during this guideline period.

Vacancy Leases

In June 1997, Governor George Pataki, as a part of his efforts to destroy rent regulation, forced changes that gave landlords large vacancy bonuses. Provisions of his Rent Regulation Reform Act of 1997 allow the rents of apartments to rise by a statutory percentage: 20 percent for a 2-year lease, and 20 percent minus the difference between the 1- and 2-year renewal guidelines for 1-year leases. The law also allows additional vacancy increases for apartments which have had no vacancy allowance in eight or more years.

Rent Overcharges

Tenants should be aware that many landlords will exploit the complexities of these guidelines and bonuses, and the tenant's unfamiliarity with the apartment's rent history, to charge an illegal rent. The tenant can choose between filing an overcharge complaint with the Division of Housing and Community Renewal or challenging the rent in Housing Court to get a determination of the legal rent.

A prospective tenant who expresses knowledge of their rights will probably not be given a lease to sign. Landlords avoid renting to tenants who may be troublesome. Overcharging is very common. Every tenant should challenge possible overcharge. With DHCR, obtain and fill out *Form RA-89* to determine the correct rent from official records. Call DHCR at (718) 739-6400 to obtain the form or go to: www.dhcr.state.ny.us

Fair Market Rent Appeal

Another type of overcharge frequently occurs at the time that a previously rent controlled apartment becomes vacant and is re-rented as a stabilized unit. The Rent Guidelines Board annually sets what they call the "Special Fair Market Rent Guideline" that is used by DHCR to lower unfair market rents for tenants who file the Fair Market Rent Appeal (FMRA). Under Order 35, it is HUD Fair Market Rent or 50% above the maximum base rent., whichever is higher. No stabilized tenant of an apartment that was decontrolled on or after April 1, 1984 should fail to challenge the so-called Initial Legal Regulated Rent (market rent) that landlords charge upon decontrol. Use DHCR *Form RA-89*. Indicate clearly that your complaint is both a complaint of "overcharge" and "Fair Market Rent Appeal." The Housing Court cannot determine a Fair Market Rent Appeal. Formerly controlled vacant apartments in buildings converted to co-ops or condos do not become stabilized and are not eligible for a Fair Market Rent Appeal.

Senior Citizen Rent Increase Exemption

Rent stabilized seniors, 62 years or older, whose disposable annual household income is $24,000 or less and who pay (or face a rent increase that would cause them to pay) one-third or more of that income in rent may be eligible for a Senior Citizen Rent Increase Exemption (SCRIE) if they apply to the NYC Dept of the Aging, SCRIE Unit at 2 Lafayette Street, NY, NY 10007. If an otherwise eligible tenant's current rent level is already above one-third of income, it cannot be rolled back, but future rent increases may be avoided. Obtain the SCRIE application form by calling (212) 442-1000.

Loft Units

Legalized loft unit increases above the base rent are 4 percent for a one-year lease and 7 percent for two years. No vacancy allowance is permitted on vacant lofts.

Hotels and SROs

The guideline is 3.5% for Class A apartment hotels, lodging houses, Class B hotels (30 rooms or more), single room occupancy (SROs) hotels, and rooming houses (Class B, 6-29 rooms), above the legal rent paid on September 30, 2003. No vacancy allowance is permitted. The guideline is not collectible unless 75% or more of the units in the building are occupied by permanent rent stabilized or controlled tenants paying legal regulated rents. Further, no increase is allowed when the owner has failed to provide to the new occupant of that unit a copy of the Rights and Duties of Hotel Owners and Tenants, pursuant to Section 2522.5 of the Rent Stabilization Code.

High-rent, High-income Deregulation

(1) Apartments legally renting for $2,000 or more a month that became vacant from July 7, 1993 through October 1, 1993, or on April 1, 1994 and thereafter are subject to deregulation. (2) The same deregulation applies in the time periods set forth in (1) above to apartments legally renting for $2,000 or more a month without their becoming vacant if the total household income exceeds $175,000 in each of the prior two consecutive years. To be eligible for this second form of deregulation, the landlord must send an income certification form to the tenant between January 1 and May 1 and file it with and get the approval of DHCR.

For previous guidelines call the RGB at 212-385-2934 or go to www.housingnyc.com.

Mitchell-Lama

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HPD Assistant Commissioner Julie Walpert testified in the City Council hearings in 2000 and 2003 that a Mitchell-Lama developer may be in violation of many, if not all, aspects of his contract with the city and still buy out of the program, if he just paid back what he owed the city. Promises she made at those Council hearings, specifically that senior citizens and low-income residents would be granted protections similar to those enjoyed by rent-stabilized tenants, have never materialized. The new landlord of 20 Henry St., Charles Herzka of Henry Street Associates LLC, is evicting people in their sixties and seventies.

This noninterventionist approach has been HPD policy under both the Bloomberg and the Giuliani administrations. But help for tenants has not been forthcoming from Democratic representatives and elected officials either. Politicians have of course mouthed words of encouragement, but they've scrupulously avoided putting anything in writing that might be truly helpful. Democratic politicians, it seems, are as beholden to big-time developers as their Republican counterparts in Albany—as is shown by their support for developer Bruce Ratner's proposed arena at the other end of downtown Brooklyn.

The Middagh Street Studio Apartments were originally conceived by architect Lee Pomeroy as live/work studios, where artists could adapt the moderate-sized space to suit their needs. This project became Brooklyn's first government-sponsored artists' housing, under the Cadman Plaza Urban Renewal Plan in 1975. However, for 24 years, from 1977 to 2001, priority was never given to artists, in violation of Penson's contract with the city. The architect's plans, which show the 1972 zoning variances granted by the city so that these live/work studios could be created in a non-residential factory building, have disappeared from the files at the Board of Standards and Appeals. These lost drawings could have helped the tenants prevent its conversion to luxury housing.

The tenants' one small victory happened on January 1, 2001, when artists were again given priority on the waiting list for apartments. HPD acknowledged that the apartments the landlord had been illegally warehousing should be offered to qualified artists. But three of the six artists who moved in since then have already been evicted.

COURTESY OF 20 HENRY ST. TENANTS

20 Henry St, where all tenants are facing eviction.

Another group of about 12 tenants is trying to negotiate a small settlement with the new landlord to at least cover moving expenses ($5,500 or more, depending upon how many months of their lease they give up). To get this money, tenants must forfeit all rights to their apartment upon signing the contract. They also give up all legal rights to go to court against the landlord, and are put in a state of eviction which even the slightest malfeasance, such as paying rent a day late, could forfeit the settlement, but not restore the rights already given up. With such a tight rental market for regulated apartments, tenants are worrying whether they should sign away all their legal rights in the hopes of getting some moving money.

"The real issue for our building and others in the Mitchell-Lama program is that we were left to the jackals because of deals that were cut 30 years ago between Albany legislators and real-estate interests," says Kemp, who notes that the original Mitchell-Lama law did not allow for landlord buyouts. "Unfortunately, tenants of Mitchell-Lama rentals had no idea they were living inside a ticking time bomb."

Anita Karl is a tenant at 20 Henry St.

Homeless Aid Axed

By Cassi Feldman

After months of heated debate, the city's homeless service providers voted last week to stop funding 51 employment and social service programs, beginning in 2005. The cuts are an attempt to respond to a new federal emphasis on "bricks and mortar." Some providers, however, say they are far too drastic.

"I'm ashamed to be part of a community that says 'New beds at any cost,'" said Gina Quattrochi, executive director of the nonprofit Bailey House, at a recent meeting of the city's Coalition on the Continuum of Care.

The coalition, made up of providers, government representatives and consumers, was established in the mid-1990s to decide how to spend New York's share of federal homelessness funds, earmarked by the 1987 McKinney Act. The city's award now hovers around $65 million, about $10 million of which has been used for support services such as job training, computer labs and counseling.

But the federal Department of Housing and Urban Development has grown increasingly reluctant to fund homeless services not directly tied to housing. In order to please the Feds and still leave room for new programs, the coalition proposed a dramatic solution last year: eliminating all "services-only" contracts starting next year.

Some advocates hailed that move as the only way to avoid deeper cuts in the future, quietly pointing out that not all programs are worth saving. But the nonprofits affected were outraged, creating a deep rift in the coalition. "It's been completely draining," said Maureen Friar, executive director of the Supportive Housing Network of New York, which represents 135 housing providers statewide. "We're spending a lot of time and a lot of energy divvying up a limited pie and creating ill will based on how the decision is made."

Last month, the coalition's Gaps, Needs and Priorities Committee suggested a compromise: a 10 percent across-the-board cut for all McKinney Act fund contracts and a 50 percent reduction in services-only contracts. A secret ballot vote was held January 21. Though most voters preferred the compromise, it needed a two-thirds majority to win. The default option called for defunding all services-only programs as of next year.

Friar, who voted for the compromise plan, says she understands the rationale for the cuts, but hopes the group will now turn its focus toward obtaining more funding from Washington. "We need to be mobilizing on the federal level," she said, "not eating each other up."

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Council Acts on Lead Override

At press time on Feb. 4, the New York City Council was poised to enact the Childhood Lead Poisoning Prevention Act by overriding Mayor Bloomberg's veto. The law, passed by the Council in December after a two-year struggle, will require landlords to protect children from brain damage and other severe health consequences of exposure to lead dust and chipping paint. It also mandates that the city Department of Housing Preservation and Development to act when landlords fail to fix a lead hazard. The measure faced a well-financed last-minute campaign to derail it, with the argument that it will increase the cost of renovating dilapidated housing.

"There is no question that it will be more expensive for both for-profit and non-profit landlords if they have to follow effective means to protect families from the tragedy of lead poisoning, knowing they face liability if they fail," Met Council director Jenny Laurie responds, "than it would be to let them ignore dangerous conditions and escape liability for their acts. But those are costs which must be borne if we are to eliminate this public-health crime."

The battle will now shift to forcing a reluctant Bloomberg administration to carry the law out. So far, the New York City Coalition to End Lead Poisoning has been successful every step of the way in convincing state courts to require protection of young children from lead poisoning. Adverse publicity on this issue over the coming year could hurt Bloomberg's re-election prospects. Furthermore, the new law's recognition that landlords can be held financially liable when children are preventably poisoned means that there will be a strong incentive for voluntary compliance with the law—and for the city to enforce it.

—Kenny Schaeffer

HUD Study Finds Little Improvement in Housing the Poor

By Steven Wishnia

More than 11 million people in the United States have "worst-case" housing needs, according to a federal housing report released in January, and the number is rising as the Bush-era recession meets the housing shortages of the '80s and '90s.

The study, "Trends in Worst Case Needs for Housing," was issued without publicity by the Department of Housing and Urban Development. It estimates that 5.07 million households had "worst-case" needs in 2001, defined as making less than half the area median income, not receiving housing subsidies, and either spending more than half their income on housing or living in severely dilapidated or overcrowded quarters. In 1999, the number was 4.86 million.

The problems were mainly a matter of economics. "Over three-fourths of those with worst-case needs had a severe rent burden as their *only* housing problem, since they lived in physically adequate and uncrowded housing," the report states.

The 1999 worst-case numbers, comprising slightly less than 15 percent of renters and 5 percent of all households, were the lowest in two decades, "as the boom economy finally reached the wages and employment prospects of very-low-income renters," notes the National Low Income Housing Coalition. But throughout the '90s, the amount of housing available to low-income renters steadily dropped. In 2001, according to the HUD report, there were only 42 affordable units for every 100 households with less than 30 percent of area median income—for New York, this would mean apartments renting for below $475 a month for someone making less than about $19,000 a year.

The shortage is worse than it looks, the report notes, as many apartments that could be affordable for the lowest-income renters are occupied by people who are not quite as poor. The number of units affordable for someone making less than 50 percent of the area median fell by 4 percent between 1999 and 2001, it notes, with the decline worst in the West.

The lack of affordable housing is worst in cities and suburbs in the Northeast and West, the report says. Elderly people, families with children, and the disabled were most likely to have worst-case needs, a pattern that has stayed consistent for the past two decades.

Problems persist higher up on the economic ladder. Among households making up to 120 percent of the area median, more than 14 million were spending more than half their income on housing. That number rose by 9 percent from 1999 to 2001.

Attention Seniors!

New SCRIE Income Limit Signed Into Law

$24,000 is the new official income limit for the Senior Citizen Rent Increase Exemption program.

Seniors (62 or older) who rent rent-regulated apartments or live in Mitchell-Lama (or similar program) apartments can apply to get their rent frozen if their household income is $24,000 or less and their rent is 1/3 or more of their income.

To apply or get more details, call the city's central number, 311, and ask for the Department for the Aging, or go to a local senior center.

Taking Liberties

On Feb. 4, the City Council was set to pass a strong resolution in defense of the Bill of Rights, criticizing the Bush administration for "security measures that undermine fundamental rights." It passed the Government Operations Committee on February 2.

More than 200 other cities and local governments around the country have passed similar measures, many urging the repeal of the "PATRIOT Act" of 2001. Passed by Congress before many members had even read it, the law gives the government unprecedented powers to spy on every American as a potential "terrorist." The resolution also attacks Bush's assertion of the power to jail citizens as "enemy combatants" indefinitely without giving them access to a lawyer.

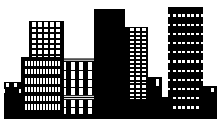
Met Council joined the NYC Bill of Rights Defense Committee, spearheaded by the New York Civil Liberties Union. The PATRIOT Act expires in 2005, and President Bush emphasized renewing it in his State of the Union speech.

WHERE TO GO FOR HELP

LOWER EAST SIDE BRANCH at Cooper Square Committee
61 E. 4th St. (btwn. 2nd Ave. & Bowery)
Tuesdays ..... 6:30 pm

CHELSEA COALITION ON HOUSING
Covers 14th St. to 30th St., 5th Ave. to the Hudson River.
322 W. 17th St. (basement), CH3-0544
Thursdays ..... 7:30 pm

GOLES (Good Old Lower East Side)
525 E. 6th St. (btwn. Aves. A & B) Lower East Side tenants only, 212-533-2541.



HOUSING COMMITTEE OF RENA
Covers 135th St. to 165th St. from Riverside Dr. to St. Nicholas Ave.,
544 W. 157th St. (basement entrance).
Thursdays ..... 8 pm

LOWER MANHATTAN LOFT TENANTS
St. Margaret's House, Pearl & Fulton Sts., 212-539-3538
Wednesdays ..... 6 pm-7 pm

VILLAGE INDEPENDENT DEMOCRATS
26 Perry St. (basement), 212-741-2994
Wednesdays ..... 6 pm

WEST SIDE TENANTS UNION
200 W. 72nd St. Room 63; 212-595-1274
Tuesday & Thursday ..... 2-5 pm
Tuesday & Wednesday 6-7:45 pm

HPD CODE VIOLATIONS ON LINE

Look up your building!

At long last, the HPD violations terminal is available on-line. If you go to the HPD Website listed below and follow the instructions, you should be able to get an up-to-date list of violations on a building.

www.nyc.gov/html/hpd/html/data/hpd-online-portal.html

METROPOLITAN COUNCIL ON HOUSING

Met Council is a citywide tenant union.

Our phones are open to the public
Mondays, Wednesdays & Fridays from 1:30 to 5 p.m.

We can briefly answer your questions, help you with organizing or refer you to other help.

212-979-0611

Join Met Council

Membership: Individual, $25 per year; Low-income, $15 per year; family (voluntary: 2 sharing an apartment), $30 per year. Supporting, $40 per year. Sustaining, min. of $100 per year (indicate amount of pledge). For affiliation of community or tenant organizations, large buildings, trade unions, etc. call 212-979-6238.

My apartment is ❑ controlled ❑ stabilized ❑ unregulated ❑ other_____

❑ I am interested in volunteering my time to Met Council. Please call me to schedule times and duties. I can ❑ counsel tenants, ❑ do office work, ❑ lobby public officials, ❑ attend rallies/protests.

Name

Address Apt. No.

City State Zip

Home Phone Number Email

Send your check or money order with this form to:
Metropolitan Council on Housing, 339 Lafayette St., NY, NY 10012